

Washington, DC -- Today, on the floor of the U.S. House of Representatives, U.S. Representative Michael A. Arcuri (D-Utica) spoke in strong support of an amendment to the Fiscal Year 2008 Energy & Water Appropriations Bill which would prohibit the Department of Energy (DOE) from using any funds to make National Interest Electric Transmission Corridor (NIETC) designations.

Creation of the corridors could allow New York Regional Interconnection (NYRI) and other private companies to circumvent state authority and use federal eminent domain to acquire private property.

The amendment, which was introduced by U.S. Representatives Maurice Hinchey (D- Hurley) and Frank Wolf (D-Vienna, VA), would have delayed implementation of new regulations that provide federal energy regulators with unprecedented authority to site and permit electric transmission lines for one year. Additionally, it would have prohibited DOE from using funds to designate any geographic area as a national interest electric transmission corridor.

In June, the DOE held a public hearing on a draft proposal to create a Mid-Atlantic Area National Corridor that could allow New York Regional Interconnection (NYRI) to thwart state authority and use federal eminent domain to acquire private property. Arcuri attended the hearing in Rochester and submitted hundreds of public comment forms against the draft corridor he collected at public meetings he hosted in communities directly affected by NYRI's proposed line.

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**The Honorable Michael A. Arcuri (NY-24)**  
**In the House of Representatives**  
**Fiscal Year 2008 Energy & Water Appropriations Bill**  
**Statement in support of Hinchey-Wolf NIETC Amendment**  
**Wednesday, June 20, 2007**

Thank you, Mr. Chairman.

Mr. Chairman, I rise in strong support of this amendment. Unfortunately, critics would like to frame this argument as a rural versus urban debate, but it is not. Those of us representing rural areas realize the electricity needs of our nation's cities will continue to grow and that congestion must be addressed, but the system created by Section 1221 of the Energy Policy Act of 2005 is the wrong solution to this problem because it tramples states' rights and allows private companies to abuse Federal eminent domain.

Section 1221 was intended to streamline the approval process for electric transmission projects which would provide electricity to geographic areas that are experiencing, and I want to stress this, CAPACITY CONSTRAINTS or CONGESTION.

The procedure this section creates, however, unnecessarily interferes with well-established state regulatory procedures, state laws and states' carefully crafted, long-term energy policies. The designation of these national interest electric transmission corridors essentially creates Federal "spheres of influence" within states, by allowing Federal regulators to approve projects that have been delayed or outright rejected through proper channels in each of our states.

Section 1221 gives the companies proposing projects within these corridors an end-run around state and local opposition by setting up a dual-track system whereby state and local prerogatives can be ignored in approving electric transmission projects; and allowing it would permit federal regulators to usurp states' rights to approve or reject electric transmission projects within the states' borders.

The current procedure addresses neither the concerns nor the intent behind Section 1221. The purpose of this new law is to alleviate congestion. The problem, however, is that by setting up these energy corridors, the law allows private utility companies to run power lines that do nothing whatsoever to alleviate congestion.

A current proposal by New York Regional Interconnection within the draft Mid-Atlantic Area corridor, which covers nearly my entire district and much of Upstate New York, is a perfect example of this. The proposed project, according to the private utility company, aims to alleviate energy congestion in the New York City area and avoid future "black outs," but what this proposal would actually do is make congestion significantly worse because it would only bring additional power to the Rock Tavern Substation in Orange County - 70 miles outside of New York City, and do nothing to stop the occurrence of blackouts.

While many of us want to help New York City with its energy problem, we think it is unconscionable that New York State may not get the final say in how and where to site transmission projects that start in New York, end in New York, and move power that will ultimately serve customers in New York - especially when proposals include 130 foot towers that would run right through the middle of our cities, towns and villages.

In fact, opposition to route proposed in this particular interest prompted both house of the New York State legislature and the former Governor to enact a law revoking the ability of New York

Regional Interconnection to use state eminent domain in the event the project is approved at the state level.

In addition, the current Governor of New York objects to this federal intervention. In a letter to the Secretary of the Energy the Governor clearly states that there is no need for the proposed energy corridors because New York State already has an effective transmission facility siting law in place. I ask unanimous consent that a copy of that letter be submitted into the record.

Mr. Chairman, if the Department of Energy and FERC are allowed to go forward with these procedures, we know full well we will have no say whatsoever in what is done and the way it is done.

Let me be abundantly clear - my colleagues and I who support this amendment also support meeting the energy needs of our neighbors. However, we will not stand by while private utility companies are allowed to "fast track" ill-conceived and poorly-planned energy projects that usurp states' rights and allow for unjust land grabs at the expense of our constituents.

I have lived in Upstate New York nearly my entire life, and I can say without hesitation that no other issue has generated more opposition than the issue this amendment would address. It seems that the only support section 1221 enjoys, at least in Upstate New York, is the private company which stands to financially benefit.

Many of my colleagues regularly advocate for states' rights and against over broad eminent domain laws. Well, today we have an opportunity to stand up for states' rights and local landowners. I urge my colleagues on both sides of the aisle to join me in supporting this amendment, and return the decision making authority back where it belongs - state and local governments.

Thank you. I yield back the balance of my time.

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